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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO/OAKLAND DIVISION
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13 FACEBOOK, INC., a Delaware
14 corporation,

15 *Plaintiff,*

16 v.

17 BRANDTOTAL, LTD., an Israeli
18 corporation, and
19 UNIMANIA, INC., a Delaware
20 corporation,

21 *Defendants.*
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Case No.: 3:20-CV-07182-JCS

**[PROPOSED] ORDER GRANTING
DEFENDANTS BRANDTOTAL, LTD.
AND UNIMANIA, INC.'S *EX PARTE*
MOTION FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT ISSUE**

Judge: The Hon. Joseph C. Spero

Ctrm.: Courtroom F – 15th Floor

Date: TBD

Time: TBD

1 Having considered Defendants BrandTotal Ltd. and Unimania, Inc.’s (“BrandTotal”) *Ex*
 2 *Parte* Motion for Issuance of a Temporary Restraining Order and Order to Show Cause Why a
 3 Preliminary Injunction Should Not Issue (“Motion”) against Facebook, Inc. (“Facebook”), and
 4 Facebook having been provided notice on October 14, 2020 and good cause appearing therefore:

5 IT IS HEREBY ORDERED THAT Defendants’ Motion is GRANTED.

6 The standard for issuing a temporary restraining order is essentially the same as that for
 7 issuing a preliminary injunction. *See Randazza v. Cox*, 920 F. Supp. 2d 1151, 1155 (2013). To
 8 obtain a temporary restraining order or a preliminary injunction, the moving party must
 9 demonstrate: 1) a likelihood of success on the merits; 2) a likelihood of irreparable harm in the
 10 absence of preliminary relief; 3) that the balance of equities tips in the plaintiff’s favor; and 4) that
 11 an injunction is in the public interest. *See id.* The Ninth Circuit has held that district courts may
 12 issue a temporary restraining order if the first two elements are met, and there are serious questions
 13 going to the merits and a hardship balance that tips sharply toward the plaintiff. *See Alliance for*
 14 *the Wild Rockies v. Cottrell*, 632 F. 3d 1127, 1134–35 (2011).

15 BrandTotal has sufficiently met this standard, showing that:

- 16 (1) absent injunctive relief, BrandTotal is likely to suffer irreparable harm, including
- 17 substantial disruption to its business;
- 18 (2) the balance of equities tips decidedly in BrandTotal’s favor;
- 19 (3) BrandTotal is likely to succeed on the merits of its claims as well as Facebook’s claims;
- 20 and
- 21 (4) the public interest would be served by the issuance of a temporary restraining order.

22 Accordingly, this Court hereby GRANTS BrandTotal’s Motion in its entirety and
 23 ORDERS as follows:

24 1. Plaintiff Facebook, Inc. is ordered to:

- 25 a. rescind the takedown request to remove BrandTotal’s “UpVoice” browser
- 26 extension from the Google Chrome Web Store and take other reasonable actions
- 27 in communication with Google to make the recession effective so that UpVoice
- 28

1 is again available on the Google Chrome Web Store;

2 b. reverse its “technical enforcement measures” blocking UpVoice from
3 Facebook’s platform; and

4 c. restore the BrandTotal and other BrandTotal principals’ Facebook pages.

5 2. This temporary restraining order shall take effect immediately and remain in effect until
6 the hearing on a preliminary injunction.

7 3. Facebook is ordered to appear in Courtroom F in the United States District Court for
8 the Northern District of California, San Francisco Division, on

9 _____, 2020 at _____ am/pm to show cause, if there is any, why
10 this Court should not enter a preliminary injunction as requested by BrandTotal.

11 4. No bond shall be required, as Facebook is not likely to be harmed by being so enjoined.

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13 IT IS SO ORDERED.

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15 Dated: _____, 2020

16 Honorable Joseph C. Spero
17 Chief Magistrate Judge
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